

**IN THE  
SUPREME COURT  
OF  
THE STATE OF ILLINOIS**

Order entered May 30, 2008.

(Deleted material is struck through and new material is underscored.)

Effective immediately, Supreme Court Rules 2, 23, 101, 107, 108, 110, 216, 224, 291, 303, 324, 325, 526, 602, and 712, and the “Medical Malpractice Interrogatories to Defendant Doctor” standard interrogatories under Rule 213 are amended, and effective September 1, 2008, Supreme Court Rule 296, is amended as follows.

**Amended Rule 2**

**Rule 2. Construction**

**(a) Standards.** These rules are to be construed in accordance with the appropriate provisions of ~~“An Act to revise the law in relation to the construction of the statutes,” approved March 5, 1874, as amended (Ill. Rev. Stat. 1981, ch. 1, par. 1001 *et seq.*)~~ the Statute on Statutes (5 ILCS 70/0.01 *et seq.*), and in accordance with the standards stated in section 1–106 of the Code of Civil Procedure (~~Ill. Rev. Stat. 1981, ch. 110, par. 1–106~~ 735 ILCS 5/1–106).

**(b) Definitions.** The following meanings are to be given terms used in these rules:

- (1) “Judge” also includes associate judge and justice.
- (2) “Judgment” also includes decree, determination, decision, order, or portion thereof.
- (3) “Paper” means pleading, motion, notice, affidavit, memorandum, brief, petition, or other paper or combination of papers required or permitted to be filed.

Amended effective July 1, 1971; amended May 28, 1982, effective July 1, 1982; amended May 30, 2008, effective immediately.

**Amended Rule 23**

**Rule 23. Disposition of Cases in the Appellate Court**

The decision of the Appellate Court may be expressed in one of

the following forms: a full opinion, a concise written order, or a summary order conforming to the provisions of this rule. All dispositive opinions and orders shall contain the names of the judges who rendered the opinion or order. Only opinions of the court will be published.

**(a) Opinions.** A case may be disposed of by an opinion only when a majority of the panel deciding the case determines that at least one of the following criteria is satisfied, ~~subject to the limitations contained in the accompanying administrative order:~~

- (1) the decision establishes a new rule of law or modifies, explains or criticizes an existing rule of law; or
- (2) the decision resolves, creates, or avoids an apparent conflict of authority within the Appellate Court.

**(b) Written Order.** Cases which do not qualify for disposition by opinion may be disposed of by a concise written order which shall succinctly state:

- (1) the germane facts;
- (2) the issues and contentions of the parties when appropriate;
- (3) the reasons for the decision; and
- (4) the judgment of the court.

**(c) Summary Order.** In any case in which the panel unanimously determines that any one or more of the following dispositive circumstances exist, the decision of the court may be made by summary order. A summary order may be utilized when:

- (1) the Appellate Court lacks jurisdiction;
- (2) the disposition is clearly controlled by case law precedent, statute, or rules of court;
- (3) the appeal is moot;
- (4) the issues involve no more than an application of well-settled rules to recurring fact situations;
- (5) the opinion or findings of fact and conclusions of law of the trial court or agency adequately explain the decision;
- (6) no error of law appears on the record;
- (7) the trial court or agency did not abuse its discretion; or
- (8) the record does not demonstrate that the decision of the trier of fact is against the manifest weight of the evidence.

When a summary order is issued it shall contain:

- (i) a statement describing the nature of the case and the dispositive issues without a discussion of the facts;
- (ii) a citation to controlling precedent, if any; and
- (iii) the judgment of the court and a citation to one or more of the criteria under this rule which supports the judgment, *e.g.*, “Affirmed in accordance with Supreme Court

Rule 23(c)(1).”

The court may dispose of a case by summary order at any time after the case is docketed in the Appellate Court. The disposition may provide for dismissal, affirmance, remand, reversal or any combination thereof as appropriate to the case. A summary order may be entered after a dispositive issue has been fully briefed, or if the issue has been raised by motion of a party or by the court, *sua sponte*, after expiration of the time for filing a response to the motion or rule to show cause issued by the court.

**(d) Captions.** All opinions and orders entered under this rule shall bear a caption substantially conforming to the requirements of Rule 330.

**(e) Effect of Orders.** An unpublished order of the court is not precedential and may not be cited by any party except to support contentions of double jeopardy, *res judicata*, collateral estoppel or law of the case. When cited for these purposes, a copy of the order shall be furnished to all other counsel and the court.

**(f) Motions to Publish.** If an appeal is disposed of by order, any party may move to have the order published as an opinion. The motion shall set forth the reasons why the order satisfies the criteria for disposition as an opinion and shall be filed within 21 days of the entry of the order.

Effective January 31, 1972; amended effective July 1, 1975; amended February 19, 1982, effective April 1, 1982; amended May 18, 1988, effective August 1, 1988; amended November 21, 1988, effective January 1, 1989; amended and Commentary and Administrative Order adopted June 27, 1994, effective July 1, 1994; amended May 30, 2008, effective immediately.

## **Amended Rule 101**

### **Rule 101. Summons and Original Process—Form and Issuance**

**(a) General.** The summons shall be issued under the seal of the court, tested in the name of the clerk, and signed with his name. It shall be dated on the date it is issued, shall be directed to each defendant, and shall bear the address and telephone number of the plaintiff or his attorney, and if service or notices of motions or filings by facsimile transmission will be accepted, the telephone number of the facsimile machine of the plaintiff or his attorney.

#### **(b) Summons Requiring Appearance on Specified Day.**

(1) In an action for money not in excess of \$50,000, exclusive of interest and costs, or in any action subject to mandatory arbitration

where local rule prescribes a specific date for appearance, the summons shall require each defendant to appear on a day specified in the summons not less than 21 or more than 40 days after the issuance of the summons (see Rule 181(b)), and shall be in substantially the following form:

In the Circuit Court of the \_\_\_\_\_ Judicial Circuit,  
\_\_\_\_\_ County, Illinois  
(Or, In the Circuit Court of Cook County, Illinois)

A.B., C.D., *etc.*  
(naming all plaintiffs),  
Plaintiffs,

v.

No. \_\_\_\_\_  
Amount Claimed \_\_\_\_\_

H.J., K.L. *etc.*,  
(naming all defendants),  
Defendants

SUMMONS

To each defendant:

You are hereby summoned and required to appear before this court at \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M., on \_\_\_\_\_ 1920, to answer the complaint in this case, a copy of which is hereto attached. If you fail to do so, a judgment by default may be entered against you for the relief asked in the complaint.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with indorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so indorsed.

This summons may not be served later than 30 days after its date.

(Seal of Court)

Witness \_\_\_\_\_

\_\_\_\_\_  
Clerk of Court

Plaintiff's Attorney (or plaintiff, if he is not represented by attorney) \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone No. \_\_\_\_\_  
Facsimile Telephone No. \_\_\_\_\_

(If service by facsimile transmission will be accepted, the telephone number of the plaintiff or plaintiff's attorney's facsimile machine is additionally required.)

Date of service \_\_\_\_\_, ~~1920~~ 1920 (to be inserted by officer on copy left with defendant or other person).

#### NOTICE TO DEFENDANTS

[Here simple and specific instructions, conforming to local practice, shall be set out outlining procedure for appearance and trial of the type of case covered by the summons.]

(2) In any action for forcible detainer or for recovery of possession of tangible personal property, the summons shall be in the same form, but shall require each defendant to appear on a day specified in the summons not less than seven or more than 40 days after the issuance of summons.

(3) If service is to be made under section 2-208 of the Code of Civil Procedure the return day shall be not less than 40 days or more than 60 days after the issuance of summons, and no default shall be taken until the expiration of 30 days after service.

**(c) Summons in Certain Other Cases in Which Specific Date for Appearance is Required.** In all proceedings in which the form of process is not otherwise prescribed and in which a specific date for appearance is required by statute or by rules of court, the form of summons shall conform as nearly as may be to the form set forth in paragraph (b) hereof.

**(d) Summons Requiring Appearance Within 30 Days After Service.** In all other cases the summons shall require each defendant to file his answer or otherwise file his appearance within 30 days after service, exclusive of the day of service (see Rule 181(a)), and shall be in substantially the following form:

In the Circuit Court of the \_\_\_\_\_ Judicial Circuit,  
\_\_\_\_\_ County, Illinois (Or, In the Circuit Court of Cook  
County, Illinois)

A.B., C.D., *etc.* (naming all plaintiffs),  
Plaintiffs  
v. No. \_\_\_\_\_

H.J., K.L., *etc.* (naming all defendants),  
Defendants

### SUMMONS

To each defendant:

You are summoned and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, in the office of the clerk of this court within 30 days after service of this summons, not counting the day of service. If you fail to do so, a judgment by default may be entered against you for the relief asked in the complaint.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with indorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so indorsed.

This summons may not be served later than 30 days after its date.

Witness \_\_\_\_\_

(Seal of Court)

\_\_\_\_\_  
Clerk of Court

Plaintiff's Attorney (or plaintiff, if he is not represented by attorney) \_\_\_\_\_

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_

Facsimile Telephone No. \_\_\_\_\_

(If service by facsimile transmission will be accepted, the telephone number of the plaintiff or plaintiff's attorney's facsimile machine is additionally required.)

Date of service \_\_\_\_\_, 1920 (to be inserted by officer on copy left with defendant or other person).

**(e) Summons in Cases under the Illinois Marriage and Dissolution of Marriage Act.** In all proceedings under the Illinois Marriage and Dissolution of Marriage Act, the summons shall include a notice on its reverse side referring to a dissolution action stay being in effect on service of summons, and shall state that any person who fails to obey a dissolution action stay may be subject to punishment for contempt, and shall include language:

(1) restraining both parties from physically abusing, harassing, intimidating, striking, or interfering with the personal liberty of the other party or the minor children of either party; and

(2) restraining both parties from removing any minor child of either party from the State of Illinois or from concealing any such child from the other party, without the consent of the other party or an order of the court.

**(f) Waiver of Service of Summons.** In all cases in which a plaintiff notifies a defendant of the commencement of an action and requests that the defendant waive service of summons under section 2-213 of the Code of Civil Procedure, the request shall be in writing in the following form:

In the Circuit Court of the \_\_\_\_\_ Judicial Circuit,  
\_\_\_\_\_ County, Illinois  
(Or, In the Circuit Court of Cook County, Illinois)

A.B., C.D., etc.  
(naming all plaintiffs),  
Plaintiffs,

v.

No. \_\_\_\_\_  
Amount Claimed \_\_\_\_\_

H.J., K.L., etc.  
(naming all defendants),  
Defendants

*Notice and Acknowledgment of Receipt of Summons and Complaint*

#### NOTICE

To: (Insert the name and address of the person to be served)

The enclosed summons and complaint are served pursuant to section 2–213 of the Code of Civil Procedure.

You must complete the acknowledgment part of this form and return one copy of the completed form to the sender within \_\_\_\_\* days.

You must sign and date the acknowledgment. If you are served on behalf of a corporation, unincorporated association (including a partnership), or other entity, you must indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.

If you do not complete and return the form to the sender within \_\_\_\_\* days, you (or the party on whose behalf you are being served) may be served a summons and complaint in any other manner permitted by law.

If you do complete and return this form, you (or the party on whose behalf you are being served) must answer the complaint within \_\_\_\_\*\* days. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

I declare, under penalty of perjury, that this notice and acknowledgment of receipt of summons and complaint will have been mailed on \_\_\_\_\_. (Insert Date)

Signature \_\_\_\_\_

Date of Signature \_\_\_\_\_

#### ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT

I declare, under penalty of perjury, that I received a copy of the summons and of the complaint in the above-captioned matter at (inset address).

PRINT or TYPE Name \_\_\_\_\_

Relationship to Entity/Authority to Receive Service of  
Process

\_\_\_\_\_

(Not Applicable if you are the named Defendant or Respondent)

Signature \_\_\_\_\_

Date of Signature \_\_\_\_\_

\* (To be completed by the person sending the notice.) Date for return of waiver must be at least 30 days from the date on which the request is sent, or 60 days if the defendant is addressed outside the United States.

\*\* (To be completed by the person sending the notice.) Date for answering complaint must be at least 60 days from the date on which the request is sent, or 90 days if the defendant is addressed outside the United States.

**(g) Use of Wrong Form of Summons.** The use of the wrong form of summons shall not affect the jurisdiction of the court.

Amended effective August 3, 1970, July 1, 1971, and September 1, 1974; amended May 28, 1982, effective July 1, 1982; amended October 30, 1992, effective November 15, 1992; amended January 20, 1993, effective immediately; amended December 30, 1993, effective January 1, 1994; amended February 1, 1996, effective immediately; amended May 30, 2008, effective immediately.

### **Amended Rule 107**

#### **Rule 107. Notice of Hearing for an Order of Replevin**

**(a) Form of Notice.** A notice for an order of replevin (see ~~Ill. Rev. Stat. 1991, ch. 110, par. 19-105~~ 735 ILCS 5/19-105) shall be substantially in the following form:

In the Circuit Court of the \_\_\_\_\_ Judicial Circuit,  
\_\_\_\_\_ County, Illinois  
(Or, In the Circuit Court of Cook County, Illinois)

A.B., C.D., *etc.*  
(naming all plaintiffs),  
Plaintiffs,  
v.

No. \_\_\_\_\_

H.J., K.L., *etc.*  
(naming all defendants),  
Defendants

To each defendant:

You are hereby notified that on \_\_\_\_\_,  
~~1920~~\_\_\_\_\_, a complaint, a copy of which is attached, was filed in  
the above court seeking an order of replevin. Pursuant to law a  
hearing will be held to determine whether such an order shall be  
entered in this case. If you wish to contest the entry of such order,  
you must appear at this hearing at \_\_\_\_\_, at  
\_\_\_\_\_ o'clock \_\_\_\_ M., on \_\_\_\_\_,  
~~1920~~\_\_\_\_\_.

\_\_\_\_\_  
Attorney for the Plaintiff

\_\_\_\_\_  
Facsimile Telephone Number

(If service by facsimile transmission will be accepted, the  
telephone number of the plaintiff or plaintiff's attorney's  
facsimile machine is required.)

**(b) Service.** Notice of the hearing shall be served not less than  
five days prior to the hearing in accordance with sections 2–202  
through 2–205 of the Code of Civil Procedure, or by mail in the  
manner prescribed in Rule 284.

Effective September 1, 1974; amended May 28, 1982, effective  
July 1, 1982; amended October 30, 1992, effective November 15,  
1992; amended May 30, 2008, effective immediately.

### **Amended Rule 108**

#### **Rule 108. Explanation of Rights of Heirs and Legatees When Will Admitted or Denied Probate**

**(a) Wills Originally Proved.** When a will is admitted or denied  
admission to probate under section 6–4 or section 7–4 of the Probate  
Act of 1975, as amended, the information mailed to each heir and  
legatee under section 6–10 shall include an explanation of the rights

of interested persons in substantially the following form (Form 1 should be used when the will is admitted to probate and Form 2 when probate is denied):

Form 1

Notice to Heirs and Legatees

Attached to this notice are copies of a petition to probate a will and an order admitting the will to probate. You are named in the petition as an heir or legatee of the decedent.

Within 42 days after the effective date of the original order of admission, you may file a petition with the court to require proof of the will by testimony of the witnesses to the will in open court or other evidence, as provided in section 6-21 of the Probate Act of 1975 (~~Ill. Rev. Stat. 1989, ch. 110½, par. 6-21~~ 755 ILCS 5/6-21).

You also have the right under section 8-1 of the Probate Act of 1975 (~~Ill. Rev. Stat. 1989, ch. 110½, par. 8-1~~ 755 ILCS 5/8-1) to contest the validity of the will by filing a petition with the court within 6 months after admission of the will to probate.

Form 2

Notice to Heirs and Legatees

Attached to this notice are copies of a petition to probate a will and an order denying admission of the will to probate. You are named in the petition as an heir or legatee of the decedent.

You have the right under section 8-2 of the Probate Act of 1975 (~~Ill. Rev. Stat. 1989, ch. 110½, par. 8-2~~ 755 ILCS 5/8-2) to contest the denial of admission by filing a petition with the court within 6 months after entry of the order of denial.

When a will is admitted or denied admission to probate under section 6-4 or section 7-4 of the Probate Act of 1975, as amended, and where notice under section 6-10 is given by publication, such notice shall be in substantially the following form (Form 3 should be used when the will is admitted to probate and Form 4 when probate is denied):

Form 3

Notice to Heirs and Legatees

Notice is given to \_\_\_\_\_ (names), who are heirs or legatees in the above proceeding to probate a will and whose name or address is not stated in the petition to admit the will to probate, that an order was entered by the court on

\_\_\_\_\_, admitting the will to probate.

Within 42 days after the effective date of the original order of admission you may file a petition with the court to require proof of the will by testimony of the witnesses to the will in open court or other evidence, as provided in section 6-21 of the Probate Act of 1975 (~~Hl. Rev. Stat. 1989, ch. 110½, par. 6-21~~ 755 ILCS 5/6-21).

You also have the right under section 8-1 of the Probate Act of 1975 (~~Hl. Rev. Stat. 1989, ch. 110½, par. 8-1~~ 755 ILCS 5/8-1) to contest the validity of the will by filing a petition with the court within 6 months after admission of the will to probate.

#### Form 4

##### Notice to Heirs and Legatees

Notice is given to \_\_\_\_\_ (names), who are heirs or legatees in the above proceeding to probate a will and whose name or address is not stated in the petition to admit the will to probate, that an order was entered by the court on \_\_\_\_\_, denying admission of the will to probate.

You have the right under section 8-2 of the Probate Act of 1975 (~~Hl. Rev. Stat. 1989, ch. 110½, par. 8-2~~ 755 ILCS 5/8-2) to contest the denial of admission by filing a petition with the court within 6 months after entry of the order of denial.

**(b) Foreign Wills Proved by Copy.** When a will is admitted or denied admission to probate under section 7-3 of the Probate Act of 1975, as amended (“Proof of foreign will by copy”), the information mailed to each heir and legatee under section 6-10 of the Probate Act of 1975, as amended, shall include an explanation of the rights of interested persons in substantially the following form (Form 1 should be used when the will is admitted to probate and Form 2 when probate is denied):

#### Form 1

##### Notice to Heirs and Legatees

Attached to this notice are copies of a petition to probate a foreign will and an order admitting the foreign will to probate. You are named in the petition as an heir or legatee of the decedent.

You have the right under section 8-1 of the Probate Act of 1975 (~~Hl. Rev. Stat. 1989, ch. 110½, par. 8-1~~ 755 ILCS 5/8-1) to contest the validity of the foreign will by filing a petition with the court within 6 months after admission of the foreign will to

probate.

#### Form 2

##### Notice to Heirs and Legatees

Attached to this notice are copies of a petition to probate a foreign will and an order denying admission of that foreign will to probate. You are named in the petition as an heir or legatee of the decedent.

You have the right under section 8-2 of the Probate Act of 1975 (~~Ill. Rev. Stat. 1989, ch. 110½, par. 8-2~~ 755 ILCS 5/8-2) to contest the denial of admission by filing a petition with the court within 6 months after entry of the order of denial.

When a will is admitted or denied probate under section 7-3 of the Probate Act of 1975, as amended (“Proof of foreign will by copy”), and where notice under section 6-10 is given by publication, such notice shall be in substantially the following form (Form 3 should be used when the will is admitted to probate and Form 4 when probate is denied):

#### Form 3

##### Notice to Heirs and Legatees

Notice is given to \_\_\_\_\_ (names), who are heirs or legatees in the above proceeding to probate a foreign will and whose name or address is not stated in the petition to admit the foreign will to probate, that an order was entered by the court on \_\_\_\_\_, admitting the foreign will to probate.

You have the right under section 8-1 of the Probate Act of 1975 (~~Ill. Rev. Stat. 1989, ch. 110½, par. 8-1~~ 755 ILCS 5/8-1) to contest the validity of the foreign will by filing a petition with the court within 6 months after admission of the foreign will to probate.

#### Form 4

##### Notice to Heirs and Legatees

Notice is given to \_\_\_\_\_ (names), who are heirs or legatees in the above proceeding to probate a foreign will and whose name or address is not stated in the petition to admit the foreign will to probate, that an order was entered by the court on \_\_\_\_\_, denying admission of the foreign will to probate.

You have the right under section 8-2 of the Probate Act of

1975 (~~Ill. Rev. Stat. 1989, ch. 110½, par. 8-2~~ 755 ILCS 5/8-2) to contest the denial of admission by filing a petition with the court within 6 months after entry of the order of denial.

Adopted February 1, 1980, effective March 1, 1980; amended August 9, 1983, effective October 1, 1983; amended April 1, 1992, effective August 1, 1992; amended May 30, 2008, effective immediately.

### **Amended Rule 110**

#### **Rule 110. Explanation of Rights in Independent Administration; Form of Petition to Terminate**

When independent administration is granted in accordance with section 28-2 of the Probate Act of 1975, as amended, the notice required to be mailed to heirs and legatees under section 6-10 or section 28-2(c) of that act shall be accompanied by an explanation of the rights of interested persons in substantially the following form:

##### **Rights of Interested Persons During Independent Administration; Form of Petition to Terminate Administration**

A copy of an order is enclosed granting independent administration of decedent's estate. This means that the executor or administrator will not have to obtain court orders or file estate papers in court during probate. The estate will be administered without court supervision, unless an interested person asks the court to become involved.

Under section 28-4 of the Probate Act of 1975 (~~Ill. Rev. Stat. 1979, ch. 110½, par. 28-4~~ 755 ILCS 5/28-4) any interested person may terminate independent administration at any time by mailing or delivering a petition to terminate to the clerk of the court. However, if there is a will which directs independent administration, independent administration will be terminated only if the court finds there is good cause to require supervised administration; and if the petitioner is a creditor or nonresiduary legatee, independent administration will be terminated only if the court finds that termination is necessary to protect the petitioner's interest.

A petition in substantially the following form may be used to terminate independent administration:

In the Circuit Court of the \_\_\_\_\_ Judicial Circuit,  
\_\_\_\_\_ County, Illinois  
(Or, In the Circuit Court of Cook County, Illinois)

*In re* Estate of \_\_\_\_\_, Deceased  
(name of decedent)

No. \_\_\_\_\_

Petition to Terminate Independent Administration

\_\_\_\_\_, on oath states:

1. On \_\_\_\_\_, 1920,  
an order was entered granting independent administration to \_\_\_\_\_ as  
independent \_\_\_\_\_.  
(executor) (administrator)

2. I am an interested person in this estate as

\_\_\_\_\_  
(heir) (nonresiduary legatee) (residuary legatee) (creditor)  
(representative)

\*3. The will \_\_\_\_\_ direct independent  
administration. (does) (does not)

4. I request that independent administration be terminated.

\_\_\_\_\_  
(Signature of petitioner)

Signed and sworn to before me  
\_\_\_\_\_, 1920

\_\_\_\_\_  
Notary Public

\*Strike if no will.

In addition to the right to terminate independent administration,  
any interested person may petition the court to hold a hearing and

resolve any particular question that may arise during independent administration, even though supervised administration has not been requested (~~Ill. Rev. Stat. 1979, ch. 110½, par. 28-5~~ 755 ILCS 5/28-5). The independent representative must mail a copy of the estate inventory and final account to each interested person and must send notice to or obtain the approval of each interested person before the estate can be closed (~~Ill. Rev. Stat. 1979, ch. 110½, pars. 28-6, 28-11~~ 755 ILCS 5/28-6, 28-11). Any interested person has the right to question or object to any item included in or omitted from an inventory or account or to insist on a full court accounting of all receipts and disbursements with prior notice, as required in supervised administration (~~Ill. Rev. Stat. 1979, ch. 110½, par. 28-11~~ 755 ILCS 5/28-11).

Adopted February 1, 1980, effective March 1, 1980; amended May 30, 2008, effective immediately.

### **Amended Rule 213 Standard Interrogatories**

#### **Medical Malpractice Interrogatories to Defendant Doctor**

1. State your full name, professional and residence addresses, and attach a current copy of your *curriculum vitae* (CV). In the event you do not have a CV, state in detail your professional qualifications, including your education by identifying schools from which you graduated and the degrees granted and dates thereof, your medical internships and residencies, fellowships and a bibliography of your professional writing(s).

2. State whether you have held any position on a committee or with an administrative body at any hospital. If so, state when you held such position(s) and the duties and responsibilities involved in such position(s).

3. Have you ever been named as a defendant in a lawsuit arising from alleged malpractice or professional negligence? If so, state the court, the caption and the case number for each lawsuit.

4. Since the institution of this action, have you been asked to appear before or attend any meeting of a medical committee or

official board of any medical society or other entity for the purpose of discussing this case? If so, state the date(s) of each such meeting and the name and address of the committee, society or other entity conducting each meeting.

5. Have you ever testified in court in a medical malpractice case? If so, state the court, the caption and the case number of each such case, the approximate date of your testimony, whether you testified as a treating physician or expert and whether you testified on your own behalf or on behalf of the defendant or the plaintiff.

6. Has your license to practice medicine ever been suspended or has any disciplinary action ever been taken against you in reference to your license? If so, state the specific disciplinary action taken, the date of the disciplinary action, the reason for the disciplinary action, the period of time for which the disciplinary action was effective and the name and address of the disciplinary entity taking the action.

7. State the exact dates and places on and at which you saw the plaintiff for the purpose of providing care or treatment.

8. State the name, author, publisher, title, date of publication and specific provision of all medical texts, books, journals or other medical literature which you or your attorney intend to use as authority or reference in defending any of the allegations set forth in the complaint.

9. Were you named or covered under any policy or policies of liability insurance at the time of the care and treatment alleged in the complaint? If so, state for each policy:

- a. The name of the insurance company;
- b. The policy number;
- c. The effective policy period;
- d. The maximum liability limits for each person and each occurrence, including umbrella and excess liability coverage; and
- e. The named insured(s) under the policy.

10. Are you incorporated as a professional corporation? If so, state the legal name of your corporation and the name(s) and address(es) for all shareholders.

11. If you are not incorporated as a professional corporation, state whether you were affiliated with a corporate medical practice or partnership in any manner on the date of the occurrence alleged in the complaint. If so, state the name of the corporate medical practice or partnership, the nature of your affiliation and the dates of your affiliation.

12. Were you at any time an employee, agent, servant, shareholder or partner of [NAME OF HOSPITAL]? If so, state the date(s) and nature of your relationship.

13. State whether there were any policies, procedures, guidelines, rules or protocols for [THE PROCEDURE COMPLAINED OF] that were in effect at [NAME OF THE HOSPITAL WHERE PROCEDURE WAS PERFORMED] at the time of the care and/or treatment alleged in the complaint. If so, state:

- a. Whether such policies, guidelines, rules or protocols are published and by whom;
- b. The effective date of said policies, guidelines, rules or protocols;
- c. Which medical professionals are bound by said policies, guidelines, rules or protocols;
- d. Who is the administrator of any such policies, procedures, guidelines, rules and/or protocols; and
- e. Whether the policies, guidelines, rules or protocols in effect at the time of the occurrence alleged in the complaint have been changed, amended, or altered since the occurrence. If so, state the change(s) and the date(s) of any such change(s).

14. Were any photographs, movies and/or videotapes taken of the plaintiff or of the procedures complained of? If so, state the date(s) on which such photographs, movies and/or videotapes were taken, who is displayed therein, who now has custody of them, and the name, address, occupation and employer of the person taking them.

15. Do you know of any statements made by any person relating to the care and treatment or the damages described in the complaint? If so, give the name and address of each such witness and the date of the statement, and state whether such statement was written or oral and if written the present location of each such statement.

16. Do you have any information:

a. That any plaintiff was, within the 10 years immediately prior to the care and treatment described in the complaint, confined in a hospital and/or clinic, treated by a physician and/or other health professional, or x-rayed for any reason other than personal injury? If so, state the name of each plaintiff so involved, the name and address of each such hospital and/or clinic, physician, technician and/or health-care professional, the approximate date of such confinement or service and state the reason for such confinement or service.

b. That any plaintiff has suffered any serious personal injury and/or illness within 10 years prior to the date of the occurrence? If so, state the name of each plaintiff so involved and state when, where and how he or she was injured and/or ill and describe the injuries and/or illness suffered.

c. That any plaintiff has suffered any serious personal injury and/or illness since the date of the occurrence? If so, state the name of each plaintiff so involved and state when, where and how he or she was injured and/or ill and describe the injuries and/or illness suffered.

d. That any other suits have been filed for any plaintiff's personal injuries? If so, state the name of each plaintiff involved, the nature of the injuries claimed, the court(s) and caption(s) in which filed, the year(s) filed, and the title(s) and docket number(s) of the suit(s).

e. That any claim for workers' compensation benefits has been filed for any plaintiff? If so, state the name and address of the employer, the date(s) of the accident(s), the identity of the insurance company that paid any such benefits and the case number(s) and jurisdiction(s) where filed.

17. Have you (or has anyone acting on your behalf) had any conversations with any person at any time with regard to the manner in which the care and treatment described in the complaint was provided, or have you overheard any statement made by any person

- a. The date or dates of such conversation(s) and/or statement(s);
- b. The place of such conversation(s) and/or statements(s);
- c. All persons present for the conversation(s) and/or statement(s);
- d. The matters and things stated by the person in the conversation(s) and/or statement(s);
- e. Whether the conversation(s) was oral, written and/or recorded; and
- f. Who has possession of the statement(s) if written and/or recorded.

19. Identify any statements, information and/or documents known to you and requested by any of the foregoing interrogatories which you claim to be work product or subject to any common law or statutory privilege, and with respect to each interrogatory, specify the legal basis for the claim as required by Illinois Supreme Court Rule 201(n).

## ATTESTATION

\_\_\_\_\_, being first duly

sworn on oath, deposes and states that he/she is a ~~plaintiff~~ defendant in the above-captioned matter; that he/she has read the foregoing document, and the answers made herein are true, correct and complete to the best of his/her knowledge and belief.

---

SIGNATURE

SUBSCRIBED and SWORN to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

---

NOTARY PUBLIC

### **Amended Rule 216**

#### **Rule 216. Admission of Fact or of Genuineness of Documents**

**(a) Request for Admission of Fact.** A party may serve on any other party a written request for the admission by the latter of the truth of any specified relevant fact set forth in the request.

**(b) Request for Admission of Genuineness of Document.** A party may serve on any other party a written request for admission of the genuineness of any relevant documents described in the request. Copies of the documents shall be served with the request unless copies have already been furnished.

**(c) Admission in the Absence of Denial.** Each of the matters of fact and the genuineness of each document of which admission is requested is admitted unless, within 28 days after service thereof, the party to whom the request is directed serves upon the party requesting the admission either (1) a sworn statement denying specifically the matters of which admission is requested or setting forth in detail the reasons why he cannot truthfully admit or deny those matters or (2) written objections on the ground that some or all of the requested admissions are privileged or irrelevant or that the request is otherwise improper in whole or in part. If written objections to a part of the request are made, the remainder of the request shall be answered

within the period designated in the request. A denial shall fairly meet the substance of the requested admission. If good faith requires that a party deny only a part, or requires qualification, of a matter of which an admission is requested, he shall specify so much of it as is true and deny only the remainder. Any objection to a request or to an answer shall be heard by the court upon prompt notice and motion of the party making the request.

**(d) Public Records.** If any public records are to be used as evidence, the party intending to use them may prepare a copy of them insofar as they are to be used, and may seasonably present the copy to the adverse party by notice in writing, and the copy shall thereupon be admissible in evidence as admitted facts in the case if otherwise admissible, except insofar as its inaccuracy is pointed out under oath by the adverse party in an affidavit filed and served within 14 days after service of the notice.

**(e) Effect of Admission.** Any admission made by a party pursuant to request under this rule is for the purpose of the pending action and any action commenced pursuant to the authority of section 13–217 of the Code of Civil Procedure (~~Ill. Rev. Stat. 1983, ch. 110, par. 13–217~~ 735 ILCS 5/13–217) only. It does not constitute an admission by him for any other purpose and may not be used against him in any other proceeding.

Amended July 1, 1985, effective August 1, 1985; amended May 30, 2008, effective immediately.

## **Amended Rule 224**

### **Rule 224. Discovery Before Suit to Identify Responsible Persons and Entities**

#### **(a) Procedure.**

##### **(1) *Petition.***

(i) A person or entity who wishes to engage in discovery for the sole purpose of ascertaining the identity of one who may be responsible in damages may file an independent action for such discovery.

(ii) The action for discovery shall be initiated by the filing of a verified petition in the circuit court of the county in which the action or proceeding might be brought or in which one or more of the persons or entities from whom discovery is sought resides. The petition shall be brought in the name of the petitioner and shall name as respondents the persons or entities from whom discovery is sought and shall set forth:

(A) the reason the proposed discovery is necessary and (B) the nature of the discovery sought and shall ask for an order authorizing the petitioner to obtain such discovery. The order allowing the petition will limit discovery to the identification of responsible persons and entities and where a deposition is sought will specify the name and address of each person to be examined, if known, or, if unknown, information sufficient to identify each person and the time and place of the deposition.

(2) *Summons and Service*. The petitioner shall serve upon the respondent or respondents a copy of the petition together with a summons in a form substantially as follows:

In the Circuit Court of the \_\_\_\_\_ Judicial Circuit,  
\_\_\_\_\_ County, Illinois  
(Or, In the Circuit Court of Cook County, Illinois)

A.B., C.D., *et al.*  
(naming all petitioners),  
Petitioners,

v.

No. \_\_\_\_\_

H.J., K.L. *et al.*  
(naming all respondents),  
Respondents.

### SUMMONS FOR DISCOVERY

#### TO EACH RESPONDENT:

You are hereby notified that on \_\_\_\_\_, ~~1920~~, a petition, a copy of which is attached, was filed in the above court seeking an order of discovery. Pursuant to law a hearing will be held to determine whether such an order shall be entered in this case. If you wish to contest the entry of such order, you must appear at this hearing at \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_M., on \_\_\_\_\_, \_\_\_\_\_, ~~1920~~.

\_\_\_\_\_  
Clerk of the Circuit Court

Unless a shorter period is fixed by the court, the summons shall be served at least 14 days before the date of hearing, in the manner provided for service of summons in other civil cases. If service cannot with due diligence be made upon the respondent(s), the court may by order provide for service by publication or otherwise.

**(b) Expiration and Sanctions.** Unless extended for good cause, the order automatically expires 60 days after issuance. The sanctions available under Supreme Court Rule 219 may be utilized by a party initiating an action for discovery under this rule or by a respondent who is the subject of discovery under this rule.

**(c) Expenses of Complying.** The reasonable expenses of complying with the requirements of the Order of Discovery shall be borne by the person or entity seeking the discovery.

Adopted June 19, 1989, effective August 1, 1989; amended May 30, 2008, effective immediately.

### **Amended Rule 291**

#### **Rule 291. Proceedings Under the Administrative Review Law**

**(a) Form of Summons.** The summons in proceedings under the Administrative Review Law shall be drawn in substantially the following form:

In the Circuit Court of the \_\_\_\_\_ Judicial Circuit  
\_\_\_\_\_ County, Illinois  
(Or, In the Circuit Court of Cook County, Illinois)

A.B., C.D., *etc.*  
(naming all plaintiffs),  
Plaintiffs,

v.

No. \_\_\_\_\_

First the Agency appealed from, and  
the defendants, and parties not  
appealing,  
Defendants.

To each of the above-named defendants:

You are hereby summoned and required to file an answer in this case or otherwise file your appearance in the office of the

clerk of this court within 35 days after the date of this summons.

This summons is served upon you by registered or certified mail pursuant to the provisions of the Administrative Review Law.

Witness \_\_\_\_\_, 19 20 \_\_\_\_\_

(Seal of Court)

\_\_\_\_\_  
Clerk of Court

Plaintiff's Attorney (or plaintiff, if he is not represented by attorney) \_\_\_\_\_

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_

Facsimile Telephone No. \_\_\_\_\_

(If service by facsimile transmission will be accepted, the telephone number of the plaintiff or plaintiff's attorney's facsimile machine is additionally required.)

**(b) Service.** The clerk shall promptly serve each defendant by mailing a copy of the summons by registered or certified mail as provided in the Administrative Review Law. Not later than 5 days after the mailing of copies of the summons, the clerk shall file a certificate showing that he served the defendants by registered or certified mail pursuant to the provisions of the Administrative Review Law.

**(c) Appearance.** The defendant shall appear not later than 35 days after the date the summons bears.

**(d) Other Rules Applicable.** Rules 181(b), 182(b), 183, and 184 shall apply to proceedings under the Administrative Review Law.

**(e) Record on Appeal.** The original copy of the answer of the administrative agency, consisting of the record of proceedings (including the evidence and exhibits, if any) had before the administrative agency, shall be incorporated in the record on appeal unless the parties stipulate to less, or the trial court after notice and hearing, or the reviewing court, orders less.

Amended July 30, 1979, effective October 15, 1979; amended May 28, 1982, effective July 1, 1982; amended April 27, 1984, effective July 1, 1984; amended October 30, 1992, effective November 15, 1992; amended May 30, 2008, effective immediately.

## Amended Rule 296

### Rule 296. Enforcement of Order for Support

**(a) Scope of Rule.** This rule applies to any proceeding in which a temporary, final, or modified order of support is entered as provided by law. No provision of this rule affects the enforcement provisions of section 706.1 of the Illinois Marriage and Dissolution of Marriage Act (~~Ill. Rev. Stat. 1987, ch. 40, par. 706.1~~ 750 ILCS 5/706.1).

**(b) Definitions.** For the purposes of this rule:

(1) “Order for Support” means any order of the court which provides for the periodic payment of funds for the support of a child, maintenance of a spouse, or combination thereof, whether temporary, final, or modified;

(2) “Obligor” means the individual who owes a duty to make payments under an Order for Support;

(3) “Obligee” means the individual to whom a duty of support is owed or the individual’s legal representative;

(4) “Payor” means any payor of income to an obligor.

**(c) Payments to the Clerk.** All payments required under all Orders for Support must be made to the clerk of the circuit court in the county in which the Order for Support was entered, or the clerk of the circuit court of any other county to which the payment obligation may be transferred, as provided by law. This requirement may not be waived by the court or parties.

**(d) Order for Support.** Whenever an Order for Support is to be entered or modified, the court, in addition to any other requirements of law, shall forthwith enter an Order for Support in quadruplicate, ~~in substantially the form set forth in paragraph (e).~~ The prevailing party must complete the form order and present it to the court for the judge’s signature.

**(e) Notice of Financial Aid.** The parties and counsel in any proceeding involving support must advise the court at the time of entry or modification of the order whether either the obligor or obligee or their children are receiving a grant of financial aid or support services under articles III through ~~VH~~ VI, or section 10–1, of the Illinois Public Aid Code, as amended (~~Ill. Rev. Stat. 1987, ch. 23, par. 3–1 et seq.; par. 10–1~~ 305 ILCS 5/arts. III through VI; 10–1), and the court must enter its findings of record.

**(f) Petition for Abatement.** Upon written petition of the obligor, and after due notice to obligee (and the Department of ~~Public Aid~~ Healthcare and Family Services, if the obligee is receiving public aid), and upon hearing by the court, the court may temporarily reduce

or totally abate the payments of support, subject to the understanding that those payments will continue to accrue as they come due, to be paid at a later time. The reduction or abatement may not exceed a period of six months except that, upon further written petition of the obligor, notice to the obligee, and hearing, the reduction or abatement may be continued for an additional period not to exceed six months.

**(g) Clerk's Fund, Records and Disbursements.** The clerks of the circuit courts receiving payments pursuant to orders for support under paragraph (c) of this rule shall maintain records of:

- (1) all such monies received and disbursed, and
- (2) any delinquencies on such payments as required by law and by administrative order of the Supreme Court of Illinois.

Such records are admissible as evidence of payments received and disbursed. After receiving a payment pursuant to an Order for Support, the clerk shall promptly deposit that payment and issue a check drawn on an account of the circuit clerk to the obligee or other person or agency entitled thereto under the terms of the Order for Support. All payments shall be disbursed within seven days after receipt thereof by the clerk of the circuit court.

**(h) Method of Payment to the Clerk of the Circuit Court.** When local circuit court rules allow payment of Orders for Support by personal check and the obligor submits a personal check which is not honored by the institution upon which it is drawn, the clerk of the circuit court may direct that all future payments be made by certified check, money order, United States currency, or credit card (with statutory fee), unless otherwise ordered by the court, and the court may order obligor to pay \$50 to defray the cost of processing the dishonored check, to be paid within a time period to be determined by the court. Notice of future nonacceptance of personal checks shall be sent by the clerk of the circuit court to the obligor or payor by regular mail at the obligor's or payor's last known mailing address. The clerk's proof of mailing shall be spread of record. If a personal check used in payment of an Order for Support is not honored at the institution upon which it is drawn, the clerk of the circuit court shall forthwith notify the State's Attorney of the county, the Attorney General, if that office has the duty of enforcing the Order for Support on which the check was written, or the attorney appointed pursuant to section (k) of this rule.

**(i) Clerk's Notice of Delinquency.** Whenever an obligor is 14 days delinquent in payments pursuant to an Order for Support, the clerk of the circuit court shall, within 72 hours thereof, transmit a notice of delinquency directed to the obligor at the obligor's last known mailing address, by regular U.S. mail, postage prepaid,

specifying that the delinquency will be referred for enforcement unless the payments due and owing, together with all subsequently accruing payments, are paid within seven days thereafter. The court may waive this notice requirement on a case-by-case basis, and direct that immediate enforcement commence against the obligor.

**(j) Referral for Enforcement.** If the delinquency and all subsequent accrued obligations are not paid within the time period as specified in paragraph (i) of this rule, the clerk of the circuit court shall promptly refer the matter for enforcement by reporting the delinquency to the State's Attorney of the county, the Title IV-D enforcement attorney, or the attorney appointed by the court pursuant to paragraph (k) of this rule. The clerk of the circuit court may complete, sign, and verify the petition for contempt and appropriate notices, under the supervision of the enforcement counsel, but is not required to provide investigative services unless otherwise required by local circuit court rules.

**(k) Enforcement Counsel.**

(1) Enforcement counsel for those receiving a grant of financial aid under article IV of the Illinois Public Aid Code and parties who apply and qualify for support services pursuant to section 10-1 of such code shall be as designated by an agreement made between the State of Illinois and United States government under 42 U.S.C. Title IV, part D.

(2) The State's Attorney of each county may prosecute any criminal contempt or civil contempt brought for the enforcement of an Order for Support if not in conflict with the agreement described above between the State of Illinois and the United States government.

(3) When the presiding judge of the county or of the domestic relations division receives a letter from the State's Attorney of the county declining enforcement of Orders for Support under this rule, the presiding judge shall appoint counsel, to be known as support enforcement counsel, on a contract basis. The fees and expenses of the support enforcement counsel shall be paid by the county. The court may assess attorney fees against an obligor found in contempt.

(4) If the counsel responsible for enforcement under the Illinois Department of ~~Public Aid~~ Public Aid Healthcare and Family Services or the State's Attorney of a county does not commence enforcement within 30 days after referral by the clerk of the circuit court, the court shall refer the matter to the support enforcement counsel of the county for further proceedings.

(5) Representation by counsel under this rule shall be limited

to enforcement of Orders for Support and shall not include matters of visitation, custody, or property.

(6) A person entitled to monies under an Order for Support may institute independent enforcement proceedings. However, if enforcement proceedings under paragraph (k) of this rule are pending, then independent enforcement proceedings may be brought only by leave of court.

**(l) Contempt Proceedings for Enforcement of Orders for Support.** A failure to comply with payment obligations under an Order for Support may be enforced by contempt in the following manner:

(1) Petition for Adjudication of Contempt. The proceeding shall be initiated by the filing of a petition for adjudication of contempt in an action where an Order for Support was entered or as otherwise provided by law. The petition shall be verified pursuant to section 1-109 of the Code of Civil Procedure, as amended (~~Ill. Rev. Stat. 1987, ch. 110, par. 1-109~~ 735 ILCS 5/1-109), and specify in both its caption and body whether the relief sought is for indirect criminal contempt, indirect civil contempt, or both. The petition shall identify the relevant terms of the Order for Support being enforced, the court, and date of its entry, the last payment made under its provisions, the delinquency, and an allegation that the respondent obligor's failure to comply with the provisions of the Order for Support constitutes wilful indirect civil contempt, indirect criminal contempt, or both. A petition for adjudication of indirect civil contempt and indirect criminal contempt shall be filed in the same cause of action out of which the contempt arose.

(2) Notice of Hearing. A petition for adjudication of civil contempt may be presented *ex parte* to the court, which, if satisfied that *prima facie* evidence of civil contempt exists, may order the respondent to show cause why he should not be held in contempt, or may instead set the petition itself for hearing and order that notice be given to the respondent. Notice of hearing on a petition for indirect civil contempt may be served by regular mail, postage prepaid, to the respondent's last known mailing address, or by any method provided in Rule 105(b)(1) or (b)(2) (134 Ill. 2d Rules 105(b)(1), (b)(2)), as the court may direct. Notice by personal service shall be served not less than seven days prior to hearing, and notice by mail not less than 10 days prior to hearing. Upon petition for adjudication of indirect criminal contempt being presented to the court, the court shall set the matter for arraignment and order summons to issue for

respondent.

(A) Body Attachment. If a respondent fails to appear after receiving notice, or if the petition for adjudication of contempt alleges facts to show that the respondent will not respond to a notice, will flee the jurisdiction of the court, or will attempt to conceal himself from service, the court may issue a body attachment on the respondent, addressed to all law enforcement officers in the State or, in proceedings for indirect criminal contempt, for the arrest of the respondent.

(B) Bond. The court may fix bond on the body attachment order or warrant of arrest, as the case may be.

(3) Contempt Hearing. If the petition prays that respondent be held in indirect criminal contempt, or both indirect criminal contempt and indirect civil contempt, the hearing shall be conducted according to the applicable rules of the criminal law. However, if the court at the time of respondent's first appearance notifies the respondent that, if found to be in indirect criminal contempt, he will not be incarcerated for more than six months, fined a sum up to \$500, or both, then respondent will not be entitled to a trial by jury. At the contempt hearing, a certified copy of the records of the clerk of the circuit court shall be received in evidence to show the amounts paid to the clerk, the dates of such payments, and the dates and amounts of disbursements. In indirect civil contempt cases the respondent has the burden of proving that such failure to pay was not wilful and that he does not have the present means to comply with any purge order the court may impose. The burden of proof shall be by a preponderance of the evidence in a civil contempt proceeding and beyond a reasonable doubt in a criminal contempt proceeding. After hearing, the court may:

(A) find in favor of the respondent and dismiss the petition or discharge the rule, as the case may be;

(B) continue the hearing under such terms as the court deems appropriate, including an order to seek work, if unemployed;

(C) find in favor of the petitioner and impose sanctions specifically including, but not limited to, the following:

(i) a direction to seek employment, if unemployed, and to participate in job search, training and work programs as provided by law;

(ii) keep a detailed accounting of all income and expenditures and submit same to the court until further order;

- (iii) impose a sentence of imprisonment or periodic imprisonment with an appropriate purge order;
- (iv) assess a fine;
- (v) assess attorney fees and costs;
- (vi) initiate immediate wage withholding; or
- (vii) such other sanctions as the court deems appropriate.

**(m) Supervision by the Administrative Office of the Illinois Courts.** The Administrative Office of the Illinois Courts shall exercise supervision over the operation of this rule and shall submit an annual report to the Supreme Court together with its recommendation for any modification or amendment thereto. Oversight shall include, but not be limited to, promulgating forms necessary to carry out the intent and purpose of this rule, initiating administrative procedures and standards for the effective operation of the rule, providing liaison between the various agencies of State and Federal government concerning enforcement of Orders for Support and between the various branches of State government, and such other duties as may be directed by the Supreme Court from time to time hereafter.

**(n) Effective Date.** The Supreme Court will authorize experimental sites to operate pursuant to this rule, in counties in which both the chief circuit judge and the clerk of the circuit court have agreed to undertake the experimental use of the procedures contained herein, and have jointly sought the Court's permission to do so, by filing a petition with the Administrative Director.

**(o) Order for Support Form.** The Order for Support shall be in ~~substantially the following form:~~ the form prescribed by local circuit court rule or, in the absence of a local rule, the form approved by the Director of the Administrative Office of the Illinois Courts.

Adopted February 1, 1989, effective immediately; amended May 30, 2008, effective September 1, 2008.

### **Amended Rule 303**

#### **Rule 303. Appeals from Final Judgments of the Circuit Court in Civil Cases**

##### **(a) Time; Filing; Transmission of Copy.**

(1) Except as provided in paragraph (b) below, the notice of appeal must be filed with the clerk of the circuit court within 30 days after the entry of the final judgment appealed from, or, if a

timely posttrial motion directed against the judgment is filed, whether in a jury or a nonjury case, within 30 days after the entry of the order disposing of the last pending postjudgment motion directed against that judgment or order, irrespective of whether the circuit court had entered a series of final orders that were modified pursuant to postjudgment motions. A judgment or order is not final and appealable while a Rule 137 claim remains pending unless the court enters a finding pursuant to Rule 304(a).

(2) When a timely postjudgment motion has been filed by any party, whether in a jury case or a nonjury case, a notice of appeal filed before the entry of the order disposing of the last pending postjudgment motion shall have no effect and shall be withdrawn by the party who filed it, by moving for dismissal pursuant to Rule 309. This is so whether the timely postjudgment motion was filed before or after the date on which the notice of appeal was filed. A new notice of appeal must be filed within the prescribed time measured from the entry of the order disposing of the postjudgment motion, as provided in subparagraph (a)(1) of this rule. No request for reconsideration of a ruling on a postjudgment motion will toll the running of the time within which a notice of appeal must be filed under this rule. A party who filed a premature notice of appeal will not be required to pay a filing fee for a future appeal in the same case if, at the time of filing the future appeal, the party presents the receipt for the fee paid for filing the premature notice of appeal and a copy of the circuit court order dismissing the premature appeal.

(3) If a timely notice of appeal is filed and served by a party, any other party, within 10 days after service upon him or her, or within 30 days from the entry of the judgment or order being appealed, or within 30 days of the entry of the order disposing of the last pending postjudgment motion, whichever is later, may join in the appeal, appeal separately, or cross-appeal by filing a notice of appeal, indicating which type of appeal is being taken.

(4) Within five days after the filing of a notice of appeal, or an amendment of a notice of appeal filed in the circuit court pursuant to subparagraph (b)(4 5) of this rule, the clerk of the circuit court shall transmit to the clerk of the court to which the appeal is being taken a copy of the notice of appeal or of the amendment.

**(b) Form and Contents of Notice of Appeal.**

(1) The notice of appeal shall be captioned as follows:

(i) At the top shall appear the statement “Appeal to the \_\_\_\_\_ Court,” naming the court to which the appeal is taken, and below this shall be the statement “From the Circuit

Court of \_\_\_\_\_,” naming the court from which the appeal is taken.

(ii) It shall bear the title of the case, naming and designating the parties in the same manner as in the circuit court and adding the further designation “appellant” or “appellee,” *e.g.*, “Plaintiff-Appellee.”

(iii) It shall be designated “Notice of Appeal,” “Joining Prior Appeal,” “Separate Appeal,” or “Cross-Appeal,” as appropriate.

(2) It shall specify the judgment or part thereof or other orders appealed from and the relief sought from the reviewing court.

(3) A notice of appeal filed pursuant to Rule 302(a)(1) from a judgment of a circuit court holding unconstitutional a statute of the United States or of this state shall have appended thereto a copy of the court’s findings made in compliance with Rule 18.

(4) It shall contain the signature and address of each appellant or appellant’s attorney.

(5) The notice of appeal may be amended without leave of court within the original 30-day period to file the notice as set forth in paragraph (a) above. Thereafter it may be amended only on motion, in the reviewing court, pursuant to paragraph (d) of this rule. Amendments relate back to the time of the filing of the notice of appeal.

**(c) Service of Notice of Appeal.** The party filing the notice of appeal or an amendment as of right, shall, within 7 days, file a notice of filing with the reviewing court and serve a copy of the notice of appeal upon every other party and upon any other person or officer entitled by law to notice. Proof of service, as provided by Rule 12, shall be filed with the notice.

**(d) Extension of Time in Certain Circumstances.** On motion supported by a showing of reasonable excuse for failure to file a notice of appeal on time, accompanied by the proposed notice of appeal and the filing fee, filed in the reviewing court within 30 days after expiration of the time for filing a notice of appeal, the reviewing court may grant leave to appeal and order the clerk to transmit the notice of appeal to the trial court for filing. If the reviewing court allows leave to file a late notice of appeal, any other party may, within 10 days of the order allowing the filing of the late notice, join in the appeal separately or cross-appeal as set forth in Rule 303(a)(3).

**(e) Docketing.** Upon receipt of the copy of the notice of appeal transmitted to the reviewing court pursuant to paragraph (a) of this rule, or receipt of a motion for leave to appeal under paragraph (d) of this rule, the clerk of the reviewing court shall enter the appeal upon

the docket.

Amended effective January 12, 1967; amended effective January 1, 1970; amended October 21, 1969, effective January 1, 1970; amended effective July 1, 1971; amended effective September 1, 1974; amended October 1, 1976, effective November 15, 1976; amended July 30, 1979, effective October 15, 1979; amended August 9, 1983, effective October 1, 1983; amended April 27, 1984, effective July 1, 1984; amended December 17, 1993, effective February 1, 1994; corrected March 18, 2005, effective immediately; amended October 14, 2005, effective January 1, 2006; amended July 27, 2006, effective September 1, 2006; amended May 30, 2008, effective immediately.

### **Amended Rule 324**

#### **Rule 324. Preparation and Certification by the Circuit Clerk of the Record on Appeal**

The clerk of the trial court shall prepare, bind, and certify the record on appeal. The record shall be arranged in three sections: the common law record, the report of proceedings, and the trial exhibits. The common law record and report of proceedings shall be in chronological order. Beginning with the common law record, each separately bound volume of the common law record and report of proceedings shall be numbered consecutively. All pages of the common law record shall be numbered consecutively with the letter "C" preceding the number of each page. All pages of the report of proceedings shall be numbered consecutively by volume. In lieu of renumbering the pages of exhibits, a list of exhibit numbers shall be provided. No bound volume of the record shall exceed 250 pages, and each volume shall be securely bound. There shall be only one record on appeal even if more than one appeal is taken. The certificate shall be in the form prescribed below, and a copy shall be delivered to appellant at the time the record is forwarded to the reviewing court.

Appeal to the \_\_\_\_\_ Court of Illinois  
\_\_\_\_\_ District  
From the Circuit Court of the \_\_\_\_\_ Judicial Circuit  
\_\_\_\_\_ County, Illinois

[Names of all plaintiffs,  
including intervening plaintiffs]

Circuit Court No. \_\_\_\_\_

v.

Trial Judge \_\_\_\_\_

Reviewing Court No. \_\_\_\_\_

[Names of all defendants,  
including intervening or  
impleaded defendants]

(The designations of appellant, appellee, cross-appellant, and cross-appellee may be added to follow the trial court designations. If not all plaintiffs or all defendants are appellants or appellees, the names of those who are should be included parenthetically just below the title.)

#### CERTIFICATION OF RECORD

The record has been prepared and certified in the form required for transmission to the reviewing court. It consists of:

\_\_\_\_\_ volume/s of Common Law Record

\_\_\_\_\_ volume/s of Report of Proceedings

\_\_\_\_\_ volume/s or description of Exhibits

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(Here set forth a detailed table of contents of the record on appeal.)

Kindly acknowledge receipt of this record on the attached copy of this letter.

I do further certify that this certification of the record pursuant to Supreme Court Rule 324 issued out of my office this \_\_\_\_\_ day of \_\_\_\_\_, 1920.

---

Clerk of the Circuit Court

cc: \_\_\_\_\_

Appellant's Attorney

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State & Zip

Received this above record this \_\_\_\_\_ day of \_\_\_\_\_, 19 20.

\_\_\_\_\_  
Clerk of the Reviewing Court

Amended October 21, 1969, effective January 1, 1970; amended July 30, 1979, effective October 15, 1979; amended July 1, 1985, effective August 1, 1985; amended April 10, 1987, effective August 1, 1987; amended December 17, 1993, effective February 1, 1994; amended May 30, 2008, effective immediately.

### **Amended Rule 325**

#### **Rule 325. Transmission of Record on Appeal or Certificate in Lieu of Record**

Upon payment of the estimated prescribed fee, and estimated transportation costs, the clerk shall transmit the record to the reviewing court or, upon request, deliver it to the appellant for transmission. At the request of any party, to facilitate work on the appeal, the clerk of the trial court shall deliver to the reviewing court a certificate that the record has been prepared and certified in the form required for transmission to the reviewing court. The timely filing of the certificate in the reviewing court shall be considered the filing of the record on appeal. The certificate in lieu of record shall be in the following form:

Appeal to the \_\_\_\_\_ Court of Illinois  
\_\_\_\_\_ District  
From the Circuit Court of the \_\_\_\_\_ Judicial Circuit  
\_\_\_\_\_ County, Illinois

[Names of all plaintiffs,  
including intervening plaintiffs]

v.

Circuit Court No. \_\_\_\_\_

Trial Judge \_\_\_\_\_

Reviewing Court No. \_\_\_\_\_

[Names of all defendants,  
including intervening or  
impleaded defendants]

(The designations of appellant, appellee, cross-appellant, and cross-appellee may be added to follow the trial court designations. If not all plaintiffs or all defendants are appellants or appellees, the names of those who are should be included parenthetically just below the title.)

## CERTIFICATE IN LIEU OF RECORD

I, \_\_\_\_\_, clerk of the circuit court in said county and State and keeper of the records, files, and seal of the court, do hereby certify that the record on appeal in the above-captioned matter has been prepared and certified in the form required for transmission to the reviewing court.

(Here set forth a detailed table of contents of the record on appeal.)

I further certify that the record on appeal has this date been delivered to

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

I do further certify that this certificate in lieu of record pursuant to Supreme Court Rule 325 issued out of my office this \_\_\_\_\_ day of \_\_\_\_\_, 1920.

\_\_\_\_\_  
Clerk of the Circuit Court

Amended October 21, 1969, effective January 1, 1970; amended July 1, 1985, effective August 1, 1985; amended April 10, 1987, effective August 1, 1987; amended December 17, 1993, effective February 1, 1994; amended May 30, 2008, effective immediately.

### Amended Rule 526

#### **Rule 526. Bail Schedule–Traffic Offenses**

**(a) Bail in Minor Traffic Offenses.** Unless released on a written promise to comply and except as provided in paragraphs (b), (c), (d) and (f) of this rule a person arrested for a traffic offense and personally served by the arresting officer with a Citation and Complaint shall post bail in the amount of \$75 in one of the following ways: (1) by depositing, in lieu of such amount, his current Illinois driver's license; or (2) by depositing, in lieu of such amount, an approved bond certificate; or (3) by posting \$75 cash bail (see Rule 501(b) for definition of "Cash Bail").

**(b) Bail in Certain Truck Offenses.**

(1) Persons charged with a violation of section 15–111 of the

Illinois Vehicle Code, as amended (truck overweight) (625 ILCS 5/15–111), charged with a violation of section 15–112(f) of the Illinois Vehicle Code, as amended (gross weight) (625 ILCS 5/15–112(f)), or charged with a violation punishable by fine pursuant to sections 15–113.1, 15–113.2 or 15–113.3 of the Illinois Vehicle Code, as amended (permit moves) (625 ILCS 5/15–113.1 *et seq.*), shall post cash bail in an amount equal to the amount of the minimum fine fixed by statute, plus penalties and costs. The accused may, in lieu of cash bail, deposit a money order issued by a money transfer service company which has been approved by the Administrative Director under regulations issued by this court. The money order shall be made payable to the clerk of the circuit court of the county in which the violation occurred. When the bail for any offense hereunder does not exceed \$300, the accused may, at his option, deposit a truck bond certificate in lieu of bail.

(2) Persons charged with violating section 15–112(h g) of the Illinois Vehicle Code, as amended, by refusing to stop and submit a vehicle and load to weighing after being directed to do so by an officer, or with violating section 15–112(h g) by removing all or part of the load prior to weighing shall post bail in the amount of \$750 (625 ILCS 5/15–112(h g)).

**(c) Bail in Other Traffic Offenses (Rules of the Road).** Except as provided in paragraph (e) of this rule, persons charged with violations of the following sections of the Illinois Vehicle Code shall post bail in the amount specified:

ILCS	Description	Bail
(1) 625 ILCS 5/11–601	Speeding, but only when more than 20 mph over the posted limit but not more than 30 mph over the posted limit	\$95
	Speeding, but only when more than 30 mph over the posted limit	\$105
(2) 625 ILCS 5/11–601.5	Speeding, but only when 40 mph or more over the posted limit	\$2,000
(3) 625 ILCS 5/11–204	Fleeing or Attempting to	

	Elude Police Officer	\$2,000
(4) 625 ILCS 5/11-401(a)	Leaving Scene of Accident- Death or Injury	\$2,000
(5) 625 ILCS 5/11-501	Misdemeanor Driving Under Influence of Alcohol or Drugs or with 0.08 or more Blood- or Breath-Alcohol Concentration	\$3,000
(6) 625 ILCS 5/11-503	Reckless Driving	\$2,000
(7) 625 ILCS 5/11-504	Drag Racing	\$2,000
(8) 625 ILCS 5/12-603.1	Use of Safety Belts, Driver or Passenger	\$55

**(d) Bail in Other Traffic Offenses (Vehicle Title & Registration Law).** Except as provided in paragraph (e) of this rule, persons charged with violations of the following sections of the Illinois Vehicle Code shall post bail in the amount specified:

ILCS	Description	Bail
(1) 625 ILCS 5/3-707	Operating Without Insurance	\$2,000
(2) 625 ILCS 5/3-708	Operating when Registra- tion Suspended for Non- insurance	\$3,000
(3) 625 ILCS 5/3-710	Display of False Insurance Card	\$2,000

**(e) Driver's License or Bond Certificate in Lieu of or in Addition to Bail.** An accused who has a valid Illinois driver's license may deposit his driver's license in lieu of the bail specified in subparagraphs (1), (2), (3), (6), and (8) of Rule 526(c) and subparagraphs (1) and (3) of Rule 526(d). In lieu of posting the cash amount specified in subparagraphs (4), (5) and (7) of Rule 526(c) or subparagraph (2) of Rule 526(d), an accused must post \$1,000 bail and his current Illinois driver's license. Persons who do not possess a valid Illinois driver's license shall post bail in the amounts specified

in Rule 526(c) or 526(d), except that an accused may deposit an approved bond certificate in lieu of the bail specified in subparagraphs (1) or (8) of Rule 526(c).

**(f) Bail in Other Traffic Offenses (Driver Licensing Law).**

Persons charged with violations of the following sections of the Illinois Vehicle Code shall post bail in the amount specified:

ILCS	Description	Bail
(1) 625 ILCS 5/6–301	Unlawful Use of License	\$750
(2) 625 ILCS 5/6–303	Misdemeanor Driving With Suspended or Revoked License	\$1,000
(3) 625 ILCS 5/6–304.1	Permitting Driving Under Influence of Alcohol or Drugs	\$1,000
(4) 625 ILCS 5/6–101	Unlicensed Driving, under the following circumstances:	
	(a) All cases other than	
See article VI, “Penalties,” Illinois Vehicle Code (625 ILCS 5/6–601)	those charging license expired for less than one year	\$1,000
	(b) License expired less than one year (see Rule 526(a))	
(5) 625 ILCS 5/6–507	Commercial Driver’s License	\$1,000

**(g) Bail for Traffic Offenses Defined by Ordinance.** Bail for traffic offenses defined by any ordinances of any unit of local government which are similar to those described in this Rule 526 shall be the same amounts as provided for in this rule.

Amended effective October 7, 1970; amended January 31, 1972, effective March 1, 1972; amended February 17, 1977, effective April 1, 1977, in counties other than Cook, effective July 1, 1977, in Cook County; amended September 29, 1978, effective November 1, 1978; amended September 20, 1979, effective October 15, 1979; amended December 22, 1981, effective January 15, 1982; amended April 27, 1984, effective July 1, 1984; amended March 27, 1985, effective May 1, 1985; amended June 26, 1987, effective August 1, 1987; amended June 19, 1989, effective August 1, 1989; amended January 11, 1990, effective immediately; amended December 7, 1990, effective January 1, 1991; amended June 12, 1992, effective July 1, 1992; amended

September 27, 1993, effective October 1, 1993 ; amended April 11, 2000, effective immediately; amended September 30, 2002, effective immediately; amended December 5, 2003, effective immediately; amended May 30, 2008, effective immediately.

## **Amended Rule 602**

### **Rule 602. Method of Review**

The only method of review in a criminal case in which judgment was entered on or after January 1, 1964, shall be by appeal. The party appealing shall be known as the appellant and the adverse party as the appellee, but the title of the case shall not be changed. Review of cases in which judgments were entered before January 1, 1964, shall be governed by the time limitations in effect on December 31, 1963, and the procedure shall be as provided by the rules then in effect,\* or as provided by these rules, at the option of the appellant.

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~~\*See Ill. Rev. Stat. 1963, ch. 110, which contains the former rules governing writs of error, amended or repealed January 1, 1964.~~

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Amended May 30, 2008, effective immediately.

## **Amended Rule 712**

### **Rule 712. Licensing of Foreign Legal Consultants Without Examination**

**(a) General Regulation.** In its discretion the supreme court may license to practice as a foreign legal consultant on foreign and international law, without examination, an applicant who:

(1) has been admitted to practice (or has obtained the equivalent of such admission) in a foreign country, and has engaged in the practice of law of such country, and has been in good standing as an attorney or counselor at law (or the equivalent of either) in such country, for a period of not less than five of the seven years immediately preceding the date of his or her application, provided that admission as a notary or its equivalent in any foreign country shall not be deemed to be the equivalent of admission as an attorney or counselor at law;

(2) possesses the good moral character and general fitness requisite for a member of the bar of this state;

(3) possesses the requisite documentation evidencing

compliance with the immigration laws of the United States; and

(4) intends to practice as a legal consultant in the State of Illinois and to maintain an office therefor in the State of Illinois.

**(b) Reciprocity.** In considering whether to license an applicant under this rule, the supreme court may in its discretion take into account whether a member of the bar of the supreme court would have a reasonable and practical opportunity to establish an office for the giving of legal advice to clients in the applicant's country of admission (as referred to in paragraphs (c)(1) and (c)(5) of this rule), if there is pending with the supreme court a request to take this factor into account from a member of the bar of this court actively seeking to establish such an office in that country which raises a serious question as to the adequacy of the opportunity for such a member to establish such an office, or if the supreme court decides to do so on its own initiative.

**(c) Proof Required.** An applicant to be licensed under this rule must file with the supreme court or its designee:

(1) a certificate from the authority in such foreign country having final jurisdiction over professional discipline, certifying as to the applicant's admission to practice and the date thereof and as to his or her good standing as such attorney or counselor at law or the equivalent, together with a duly authenticated English translation of such certificate if it is not in English;

(2) a letter of recommendation from one of the members of the executive body of such authority, or from one of the judges of the highest law court or court of original jurisdiction of such foreign country, together with a duly authenticated English translation of such letter if it is not in English;

(3) evidence of his or her citizenship, educational and professional qualifications, period of actual practice in such foreign country and age;

(4) the affidavits of reputable persons as evidence of the applicant's good moral character and general fitness, substantially as required by Rule 708;

(5) a summary of the laws and customs of such foreign country that relate to the opportunity afforded to members of the bar of the supreme court to establish offices for the giving of legal advice to clients in such foreign country; and

(6) a completed character and fitness registration application in the form prescribed by the Board of Admissions to the Bar and such other evidence of character, qualification and fitness as the supreme court may from time to time require and compliance with the requirements of this subsection.

**(d) Waiver.** Upon a showing that strict compliance with the provisions of paragraph (c)(1) or (c)(2) of this rule would cause the applicant unnecessary hardship, the supreme court may in its discretion waive or vary the application of such provisions and permit the applicant to furnish other evidence in lieu thereof.

**(e) Right to Practice and Limitations on Scope of Practice.** A person licensed as a foreign legal consultant under this rule may render legal services and give professional advice within this state only on the law of the foreign country where the foreign legal consultant is admitted to practice. A foreign legal consultant in giving such advice shall not quote from or summarize advice concerning the law of this state (or of any other jurisdiction) which has been rendered by an attorney at law duly licensed under the law of the State of Illinois (or of any other jurisdiction, domestic or foreign). A licensed foreign legal consultant shall not:

(1) appear for a person other than himself or herself as attorney in any court, or before any judicial officer, or before any administrative agency, in this state (other than upon admission in isolated cases pursuant to Rule 707) or prepare pleadings or any other papers or issue subpoenas in any action or proceeding brought in any such court or before any such judicial officer, or before any such administrative agency;

(2) prepare any deed, mortgage, assignment, discharge, lease or any other instrument affecting real estate located in the United States of America;

(3) prepare any will, codicil or trust instrument affecting the disposition after death of any property located in the United States of America and owned by a citizen thereof;

(4) prepare any instrument relating to the administration of decedent's estate in the United States of America;

(5) prepare any instrument or other paper which relates to the marital relations, rights or duties of a resident of the United States of America or the custody or care of the children of such a resident;

(6) render professional legal advice with respect to a personal injury occurring within the United States;

(7) render professional legal advice with respect to United States immigration laws, United States customs laws or United States trade laws;

(8) render professional legal advice on or under the law of the State of Illinois or of the United States or of any state, territory or possession thereof or of the District of Columbia or of any other jurisdiction (domestic or foreign) in which such person is not

authorized to practice law (whether rendered incident to the preparation of legal instruments or otherwise);

(9) directly, or through a representative, propose, recommend or solicit employment of himself or herself, his or her partner, or his or her associate for pecuniary gain or other benefit with respect to any matter not within the scope of practice authorized by this rule;

(10) use any title other than “foreign legal consultant” and affirmatively state in conjunction therewith the name of the foreign country in which he or she is admitted to practice (although he or she may additionally identify the name of the foreign or domestic firm with which he or she is associated); or

(11) in any way hold himself or herself out as an attorney licensed in Illinois or as an attorney licensed in any United States jurisdiction.

**(f) Disciplinary Provisions.** Every person licensed to practice as a foreign legal consultant under this rule shall execute and file with the Illinois Attorney Registration and Disciplinary Commission, in such form and manner as the supreme court may prescribe:

(1) the foreign legal consultant’s written commitment to observe the Rules of Professional Conduct, as adopted by the Illinois Supreme Court and as it may be amended from time to time, to the extent applicable to the legal services authorized by subparagraph (e) of this rule;

(2) a duly acknowledged instrument, in writing, setting forth the foreign legal consultant’s address in this state and designating the clerk of the supreme court as the foreign legal consultant’s agent upon whom process may be served, with like effect as if served personally upon the foreign legal consultant, in any action or proceeding thereafter brought against the foreign legal consultant and arising out of or based upon any legal services rendered or offered to be rendered by the foreign legal consultant within or to residents of this state, whenever after due diligence service cannot be made upon the foreign legal consultant at such address or at such new address in this state as he or she shall have filed in the office of the clerk of the supreme court by means of a duly acknowledged supplemental instrument in writing; and

(3) appropriate evidence of professional liability insurance or other proof of financial responsibility, in such form and amount as the supreme court may prescribe, to assure his or her proper professional conduct and responsibility.

**(g) Service of Process.** Service of process on the clerk of the supreme court, pursuant to the designation filed as required by Rule

712(f)(2) above, shall be made by personally delivering to and leaving with such clerk, or with a deputy or assistant authorized by the foreign legal consultant to receive such service, at his or her office, duplicate copies of such process together with a fee of \$10. Service of process shall be complete when such clerk has been so served. Such clerk shall promptly send one of such copies to the foreign legal consultant to whom the process is directed, by certified mail, return receipt requested, addressed to such foreign legal consultant at his or her address specified by the foreign legal consultant as aforesaid.

**(h) Separate Authority.** This rule shall not be deemed to limit or otherwise affect the provisions of Rule 704.

**(i) Unauthorized Practice of Law.** Any person who is licensed under the provisions of this rule shall not be deemed to have a license to perform legal services prohibited by Rule 712(e) hereof. Any person licensed hereunder who violates the provisions of Rule 712(e) is engaged in the unauthorized practice of law and may be held in contempt of the court. Such person may also be subject to disciplinary proceedings pursuant to Rule 777 and the penalties imposed by section 32-5 of the Criminal Code of 1961, as amended, and section 1 of ~~“An Act to revise the law in relation to attorneys and counselors,” approved March 28, 1874~~ the Attorney Act (705 ILCS 205/1).

Adopted December 7, 1990, effective immediately; amended December 6, 2001, effective immediately; amended May 30, 2008, effective immediately.